

Indiana Department of Education



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MEMORANDUM

DATE: March 15, 2005 **SE# 05-02**

TO: Cluster System Point of Entry Supervisors
Ongoing Service Coordinators
Special Education Directors
Early Childhood Coordinators

FROM: Dawn Downer, First Steps Director
Bureau of Child Development
Robert A. Marra, Assistant Superintendent
Indiana Department of Education

RE: Guidelines on First Steps and LEA roles and responsibilities at the Transition Meeting

The Bureau of Child Development and the Division of Exceptional Learners are continuing to strengthen collaborative efforts for children in transition from Part C to Part B services. This document was created with the guidance of a leadership committee including service coordinators, parents, preschool coordinators, and a special education director. It will define and further clarify provider roles and responsibilities and identify how a parent can request an initial educational evaluation during the transition process.

These guidelines include:

- A review of special education regulations guiding the initial educational evaluation during the child's transition from Part C to Part B;
- A review of required participants at the Transition meeting;
- Overarching considerations in scheduling the Transition meeting; and
- Specific service coordinator and school representative role regarding ways for obtaining written parental consent for the initial educational evaluation when the parent wishes to have the child evaluated for Part B services in the following five situations:
 1. The parent makes a verbal or written request for an initial educational evaluation at the transition meeting when all required participants are present.
 2. The parent makes a request for an educational evaluation when no school representative is present, although there are documented attempts to arrange the meeting with the school representative.
 3. The parent wishes to pursue an initial education evaluation within 60 instructional days before the child turns three, but after the transition meeting.
 4. The child has a summer birthday.
 5. The child is referred to First Steps between 32 and 36 months of age with less than 60 instructional days before the child's 3rd birthday.

Article 7 provides **two (2)** ways for parents to request an educational evaluation from public schools:

1. A parent may make a **verbal request** for an initial educational evaluation to certified school personnel. After a verbal request, the school must provide the parent with the school's consent form. When the parent returns the signed written consent form to the school's certified personnel, the

evaluation must be conducted and the case conference committee (CCC) convened within sixty (60) instructional days from the date the consent is **received** by certified personnel. After the school receives the signed consent, school personnel must offer to hold a personal meeting with the parent to ensure the parent is fully informed, obtain the reasons for requesting the educational evaluation and provide the information listed in 511 IAC 7-25-4 (a). If the parent is unwilling or unable to attend the personal meeting, the notice containing the information in 511 IAC 7-25-4 (a) is mailed to the parent [511 IAC 7-25-4 (b)].

2. A parent may make a **written request** for an initial educational evaluation. The written request must be signed by the parent and **received** by certified personnel. The school must offer to hold a personal meeting with the parent to ensure the parent is fully informed, obtain the reasons for requesting the educational evaluation and provide the information listed in 511 IAC 7-25-4 (a). If the parent is unwilling or unable to attend the personal meeting, the notice containing the information in 511 IAC 7-25-4 (a) is mailed to the parent. **The letter requesting an evaluation does not have to be complicated with legal language nor does the letter need to be sent by registered mail.** The letter signed by the parent could simply state, "I request to have my child evaluated."

Article 7 states that the evaluation must be conducted and the CCC convened within sixty (60) instructional days after the written parental consent is submitted to certified personnel (511 IAC 7-25-4). **Certified personnel means teachers, school counselors, school psychologists, school social workers, building principals, and other administrators employed by the school (511 IAC 7-17-11). The school representative at the Transition Meeting is considered certified personnel.**

- The 60 instructional day timeline begins from the date the certified personnel receive the written consent of the parent. **However, the 60 instructional day timeline cannot be used to deny or delay services to a student who is three years of age and in transition from Part C to Part B services** (Letter to Co-Chairs, Dana Long, DOE Legal Counsel, 1996).
- For children who reach the age of three before the end of the school or during the summer, the school should have methods in place to ensure the transition meeting and educational evaluation occur **while necessary school personnel are available if the school does not do evaluations during summer vacation** ((Letter to Anonymous, 2 ECLPR¶ 117 (OSERS 1993)).
- The school's obligation to make a free appropriate public education available to the student with a disability begins on the student's third birthday [511 IAC 7-28-2 (c)]. **If the CCC committee convenes within 60 instructional days, but the child is not three years of age, services are not required to begin until the child's 3rd birthday.** If the student's 3rd birthday occurs during the summer and the CCC determines the student does not require extended school year services, the student's IEP will state that services will be initiated at the beginning of the upcoming school year.

Required Participants at the Transition Meeting in Part B and Part C Regulations

Part C

470 IAC 3.1-11-4 (d) states that the service coordinator shall convene, with the approval of the family, the local education agency, and potential service providers a transition meeting at least 90 days prior to the third birthday, or up to six months prior to the child's third birthday, at the discretion of all parties **required** to attend the transition meeting.

Part B

511 IAC 7-28-2 (b) specifies that **school personnel are to participate in transition meetings** convened by the Part C service coordinator with the approval of the family. **At a minimum, the service coordinator, family, and local school representative, with parent approval, are required participants.**

Overarching Considerations

It is important for Service Coordinators to work together with the family, school personnel and other potential providers when scheduling meetings. Both parties must be mindful of work schedules and calendars when scheduling meetings. The Service Coordinator should document in clinical notes all attempts/calls made to the school representative when scheduling the transition meeting. **It is strongly recommended that all members invited to the transition meeting receive some form of personal communication prior to receiving the “transition meeting notification” form.**

All participants at the Transition Meeting should give careful consideration to the following items when scheduling and convening a transition meeting and developing the Individual Family Transition Plan:

- (A) When will the child turn 3?
- (B) How much time is needed to complete the educational evaluation before the child turns three? .
When should the Transition Meeting be held? 90 days? 6 months? Somewhere in between?
- (C) Is there a strong likelihood that the parent will pursue an educational evaluation?
- (D) How much time is there between the 60 instructional day timeline and the child's 3rd birthday?
Participants must be mindful of the First Steps transition meeting timeline and the school's evaluation timelines in order to ensure **current** evaluation information to determine eligibility and develop the individualized education program.

The primary purpose of the Transition Meeting is to discuss future options for the child turning three and to identify the steps, persons responsible, and timelines that must occur between now and the conclusion of early intervention services in preparation for what will be implemented at age three.

Communication between families, First Steps providers, and school personnel is one of the most important components of a successful transition process. These guidelines are provided to assist families in a smooth transition experience through a successful First Steps-School-Family partnership. If an eligible child does not receive early childhood special education services by the 3rd birthday due to the service coordinator or the school representative failing to meet transition requirements, the parent may file a complaint. These guidelines will help ensure that families and children have a positive transition experience when moving to the next environment.

We acknowledge that the information in the following five situations is complex (See Attachment). To assist the reader, all suggestions for Individual Family Transition Plan documentation are bolded. Important points have been underlined, and examples are in italics throughout the Attachment. Please note that Special Education Directors have been identified as a resource to contact when there has been a breakdown in communication between service coordinators and school personnel transition contacts. Communication issues regarding the Transition Meeting and child evaluation should be addressed systemically through the Interagency Memorandum of Agreement. If you desire technical assistance, contact Mary Jo Paladino, Indiana Transition Initiative at mpaladin@indiana.edu to assist you in this process.

ATTACHMENT

Transition Meeting Discussion and Individual Transition Team Plan Documentation

Situation 1. The parent makes a verbal or written request for an initial educational evaluation at the transition meeting when all required participants (parent, service coordinator, and school representative) are present.

After the transition discussion, the parent wishes to make a **verbal** request to pursue an initial education evaluation at the meeting:

- The Individual Family Transition Plan (IFTP) team discusses the steps and timelines for specifically when the parent will receive the school consent form. **IFTP Documentation: The date that the parent can expect to receive the consent form is documented in the IFTP. A copy of the IFTP is given or mailed to the participants.**

The school representative should provide the consent form to the parent within a reasonable time after the meeting (e.g. two weeks). The school representative will describe the steps to be followed when the parent receives the consent form (returning form with signed consent, personal meeting, evaluation process etc). **Follow-up:** If the date passes and the parent never receives the consent form, the service coordinator will advise or assist the parent to send a letter, with parent contact information, to the school representative requesting an educational evaluation (*Example: A letter with parent contact information stating, "I request to have my child evaluated" signed by the parent*). The school may lack sufficient time to complete the evaluation and have the IEP implemented by the child's 3rd birthday due to parent delay. Therefore, the Service Coordinator must inform the family of the potential consequences of delaying the decision.

After the transition discussion, the parent wishes to make a **written** request for an initial evaluation at the meeting:

- At the time of the Transition Meeting, please remember to consider the amount of time between the evaluation and case conference committee meeting and the child's 3rd birthday in order to ensure that the evaluation results are current and developmentally appropriate. Special Education services are not required to begin until the child's third birthday. See situation 3 for a suggestion if there would be a considerable amount of time between completing the evaluation within 60 instructional-day timeline and the child's 3rd birthday.
- If the Parent wishes to provide a written request for the initial evaluation at the Transition Meeting, the parent will develop the written request to evaluate the child at the meeting and give it to the school representative. (*Example: On a piece of paper [not in the IFTP] the parent writes a statement "I request to have my child evaluated" signed by the parent and given to the school representative*). **IFTP Documentation: Indicate that the parent gave the school representative a written request for an educational evaluation in a letter. A copy of the IFTP is given or mailed to the participants.**

This "written request" constitutes written consent for evaluation. The school representative will describe local school procedures regarding conducting the personal meeting and evaluation procedures. The personal meeting may occur at the transition meeting or at a later time depending on the local school procedures and person authorized to conduct the meeting. **The school representative may not establish a barrier to the parent making a written request for an educational evaluation by refusing to accept the written request.** The school representative may not deny an evaluation without providing the parent with a Notice of Parent Rights that explains the parent's right to appeal the decision if the school refuses to evaluate.

Situation 2: A school representative does NOT attend the Transition Meeting, although there are documented attempts to arrange the meeting with the school representative (This should rarely happen). After the transition options are discussed, the parent wishes to request an initial educational evaluation or wishes to delay making the request until a later time after the Transition Meeting.

After the transition discussion, the parent wishes to make a **written** request for an initial education evaluation even though the school representative is not present at the meeting:

- Since the school representative is not present, the parent puts the request for an initial evaluation in a letter and sends it to the school representative. See Situation 1.
- When the request to evaluate, signed by the parent, is submitted to certified personnel, this constitutes written consent for an evaluation. **IFTP Documentation: Indicate that the parent developed a letter making a written request for an initial evaluation and indicate when the request was sent.**
- **Follow-up:** If it is determined that the **written** request was submitted, but after several weeks, the parent indicates there has been no response from the school regarding the written request to evaluate, the service coordinator or parent will initiate contact with the school representative to check on the status of the parent request. If the school representative is unresponsive after repeated, documented follow-up attempts, the Service Coordinator or parent will request assistance from the Special Education Director.

After the transition discussion, the parent wishes to delay making a request for an educational evaluation:

- **IFTP Documentation: Follow the guidelines in Situation 3. A copy of the IFTP is mailed to participants and the school representative.**

Situation 3: After the transition discussion, the parent requests more time to consider whether to pursue an education evaluation for special education services or wishes to pursue an initial education evaluation at a later time after the Transition Meeting. The parent does not make a verbal or written request for an evaluation at the Transition Meeting because (1) the parent is not ready to make the decision or (2) there will be a significant amount of time between conducting the evaluation immediately after the Transition Meeting and implementing the IEP on the child's 3rd birthday.

- **IFTP Documentation:**
 - (1) Indicate that the parent will make the decision whether or not to pursue an educational evaluation or will send a written request for an evaluation to the school representative (give a range of time to ensure that the decision will be made at least 60 instructional days before the child turns three. *(Example: Parent Name will make a decision about pursuing an educational evaluation by ___ OR Parent Name will send a letter requesting an education evaluation to the school representative by ___ OR, the school will send consent form by ___).*
 - (2) Identify the steps to be followed if the parent decides to make a written request for an evaluation after the transition meeting, including providing assistance in developing the written request to evaluate, if requested.
 - (3) Give or mail a copy of the IFTP to participants.
- **Follow-up:** If the parent has not made a decision regarding special education services or has not mailed a letter requesting an educational evaluation within the agreed-upon time range, the service coordinator will inform the family of the potential consequences of a delayed decision. A delayed decision may not give school personnel sufficient time to complete the evaluation, conduct the case conference meeting, and implement the IEP by the 3rd birthday. If the delay is the result of lack of school response, follow the procedures identified in Situation 2.

Situation 4: The child has a summer birthday.

- For children with summer birthdays, the Transition Meeting needs to be conducted while school personnel are still available, unless the school conducts evaluations and case conference meetings in the summer. If the Transition Meeting needs to be conducted when school personnel are available before summer vacation, the transition team participants may need to consider convening the meeting in the 180-day range rather than the 90 day-range because of the transition meeting time line, the 60 day instructional time line for evaluation and the school calendar for annual case reviews and testing procedures. *(See the First Steps Recommended Practice Time lines dated 4/05/04).* The school is expected to complete the evaluation and convene a case conference before summer vacation unless the school conducts evaluations and convene case conferences in the summer. The IEP must address the student's need for extended school year services (ESY). If the student does not require ESY services, the IEP will be implemented at the beginning of the school year. If it is necessary to determine eligibility and develop the IEP three or more months prior to the child's third birthday, the early childhood teacher may find there has been considerable change in present levels of performance from the time the IEP was developed. This may dictate a need to revise annual IEP goals. In such situations, a case a case conference committee may be reconvened to review the IEP. **IFTP Documentation: Follow procedures in Situation 1 or Situation 3 as appropriate.**
- If a service coordinator meets repeated resistance from the school representative about convening a Transition Meeting prior to summer vacation (school has no provisions for summer testing), the service coordinator will request assistance from the Special Education Director. If this continues to be a systemic problem, contact Sheron Cochran (317-232-0567) in the Division of Exceptional Learners.
- In order to meet Part C transition time line requirements, it may occasionally be necessary to conduct a Transition Meeting in the summer without a school representative present because of late enrollment in First Steps or because scheduled Transition Meetings prior to the end of school are cancelled by the parent (This should be rare). The school will make reasonable efforts to serve the child by the 3rd birthday, however, there may not be sufficient time to have the IEP implemented by the 3rd birthday. **IFTP Documentation: Follow the procedures and IFTP documentation listed in situation 2 since no school representative is present. Send a copy of the IFTP to the school representative.**

Situation 5: The child is referred to First Steps when he/she is between 32 and 36 months of age with less than 60 instructional days before the child's 3rd birthday.

The family is given two options:

- (1) Proceed with a First Step evaluation, and if eligible, convene an eligibility/initial IFSP/Transition Meeting. **OR**
- (2) Due to limited time, a parent may choose a direct referral to the school rather than pursuing a First Steps evaluation. A Record Closure form will be completed noting that the family chose not to participate in First Steps. **There is no requirement for a transition meeting and the school will identify the parent as the referral source in the CODA data rather than a First Steps referral.**

If the parent selects option 1, the intake coordinator initiates an eligibility/initial IFSP/Transition Meeting. With parent consent, the school representative is invited to this meeting. If the parent wishes to pursue special education services, the parent makes a written request for an educational evaluation and submits the request to the public school representative. The school will make reasonable efforts to serve the child by the 3rd birthday, however, there may not be sufficient time to have the IEP implemented by the 3rd birthday. **IFTP Documentation: Follow the procedures for the parent making a written request for evaluation in Situation 1.**